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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/568,027	07/31/2006	Ren Judkins	060068	2945

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EXAMINER	
AFTERGUT, JEFF H	

ART UNIT	PAPER NUMBER
1791	

MAIL DATE	DELIVERY MODE
10/08/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/568,027	JUDKINS, REN	
	Examiner	Art Unit	
	Jeff H. Aftergut	1791	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02 July 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-14* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-14* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Claim Rejections - 35 USC § 103

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Colson '108 (US 4,631,108) in view of Daamen et al, Schnebly '630 (US 4,732,630) and Corey '296 (US 2002/0014296) for the same reasons as expressed in paragraph 2 of the Office action dated April 2, 2009.

Response to Arguments

3. Applicant's arguments filed 7-2-09 have been fully considered but they are not persuasive.

The applicant essentially takes the position that the references failed to teach that one skilled in the art would have incorporated a slow cure adhesive in the claimed process. The applicant argues that both claims require that a slow cure adhesive is part of the claimed subject matter in that the apparatus claim recites that the container is "filled" with the identified adhesive. One must be aware that the material worked upon is given no patentable weight in the apparatus claims. The question here is what is the material worked upon in the claim. It would appear that the material worked upon is the tubular material as well as the adhesive which is applied with the glue applicator. There is no consensus within the Office as to whether recitation of filling the container would have necessarily meant filling the container with an adhesive or filling the container with water for example. Is the apparatus any different? Structurally it would appear that the apparatus is identical whether the reservoir is filled with water or adhesive, for example.

If it is applicant's intention to claim that the glue is part of the apparatus, it is suggested that applicant recite immediately after the preamble that there is "a slow cure adhesive that requires at least tow hours to cure" and when reciting that the reservoir is filled with "a slow cure adhesive..." that the word "a" be changed to –the--. Additionally, it is recommended that rather than reciting "An apparatus" in the preamble the applicant recite –A system-- as such a system would entail not only the mechanisms for containing the adhesive but also the adhesive material itself. In any event, the claim has been rejected as if the adhesive is part of the claim for purposes of expedited prosecution.

The applicant argues that the prior art failed to teach or suggest a slow cure adhesive material in the operation (process and system). The applicant points to Colson '108 and argues that the reference failed to teach a slow cure adhesive. It is agreed that the reference failed to express that one skilled in the art would have employed a slow cure adhesive material. The applicant is advised that the reference to Daamen was cited to show one skilled in the art would have desired to wind the tubular material about a circular mandrel or form as opposed to the form employed in Colson '108. Applicant does not dispute that it would have been obvious to wrap the material about a cylindrical form as opposed to the form employed in Colson '108. The reference to Schnebly '630 was cited to further express that the use of a cylindrical mandrel would have been known to those skilled in the art of blind manufacture. Applicant does not dispute such teachings, but stresses that Schnebly '630 employed a polyester adhesive material which was cured after the wrapping operation but which was non-tacky in the winding

operation and thus could not create a bond between overlying surfaces of the tubular materials being wound. It should be noted that this is because the polyester adhesive was applied via extrusion and allowed to cool prior to winding the same upon the form and was a function of the type of adhesive employed in the operation. It should be noted that the adhesive (the polyester) was clearly a "slow cure" adhesive within the meaning of the term in that it clearly requires heating to cure and that once cooled the material was wound and not subjected to cure immediately and when it was subjected to curing it took at least 15-30 minutes of heating to do the same. Note that longer cure times are additionally discussed by the reference, see column 10, lines 18-21. The applicant is advised that the language "slow cure adhesive that will not fully cure for at least one hour (or two hours)" is extremely broad language. It includes adhesive materials which will not cure unless heated or through other initiation"f the cure mechanism. Clearly the polyester adhesive material in Schnebly '360 was a "slow cure" adhesive within the meaning of the term, however there was no tack to the adhesive material prior to the initiation of the cure with the heating step.

Nonetheless, the use of a polyurethane moisture cure adhesive in the manufacture of a blind or shade was well known at the time the invention was made as suggested by Corey '296. More specifically, at paragraph [0063] the reference to Corey '296 clearly expressed that those skilled in the art would have understood that as an alternative to a polyester adhesive material (Schnebly '360) one skilled in the art was well aware that moisture cure polyurethane adhesive was useful in the manufacture of a blind. While applicant asserts that this material is fast cure, the applicant has taken

paragraph [0063] to of context. the polyester adhesive material discussed is referred to as a "rapid cure" material, however the alternative moisture cure polyurethane adhesive material is hot applied and stated to have many of the same features as the polyester adhesive "plus added strength and flexibility once cured, but these benefits must be considered in light of slower curing and associated bleed through". Clearly, the reference suggested that those skilled in the art would have understood that polyurethane adhesives which were moisture cured and which cured slower would have been an alternative adhesive material to polyesters in the art of making blinds. As Schnebly '360 employed polyester, it would have been understood that polyurethane moisture cure adhesives would have been a suitable alternative adhesive material in the operation wherein the material was slower curing. It should be noted that the applicant employed a slow cure polyurethane adhesive in the process. Clearly, the use of the same would have been obvious in light of Corey '296. The applicant is advised that moisture cured polyurethane adhesives were known to be tacky such that their green strength was such that a bond would have developed in the winding operation and then the assembly would have been cured later via exposure to moisture which could merely be room present moisture. Since the reference suggested the have adhesive material, one skilled in the art would have expected that the adhesive material would have acted the same way and thus one skilled in the art would have known to employ a slow curing adhesive in the operation of making the blind assembly.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Zimmel et al suggested a moisture cure polyurethane material which was an adhesive manufactured by H.B. Fuller.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeff Aftergut whose telephone number is 571-272-1212. The examiner can normally be reached on Monday-Friday 7:30-4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 571-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jeff H. Aftergut/
Primary Examiner
Art Unit 1791

JHA
October 8, 2009